



### REMARKS

Claims 36 to 49 are pending in the application. Claims 43 to 49 have been withdrawn as being drawn to a nonelected invention. Claims 36 and 41 have been amended. Claims 39 and 40 have been allowed.

#### Supplemental IDS

Applicants submit herewith a copy of US Patent 6,537,764 (issued Mar. 25, 2003), which is equivalent to previously submitted PCT Published Application WO96/22371 (published July 25, 1996).

#### Amendment to the specification

The Examiner requests that the title be amended to more clearly indicate the claimed invention. The title has been amended in accordance with the Examiner's suggestion.

The Examiner points out that the address of ATCC has been changed. Applicants have amended the specification to reflect the new address of the ATCC.

#### Rejection under 35 U.S.C. 101

Claims 36-38 and 41 stand rejected as allegedly directed to non-statutory subject matter. The Examiner states that claims 36-38 embrace a nucleic acid as it occurs in vivo on a chromosome. Claim 36 has been amended to specify that the nucleic acid is an isolated nucleic acid, thereby obviating the rejection.

The Examiner further states that claim 41 embraces a host cell in the body of a transgenic animal, or a host cell in a gene therapy patient, or human cells, fetuses, embryos, etc. To clarify, Applicants have amended claim 41 to specify that the host cell is isolated mammalian, including human, host cell. The Examiner will note that the cell line AML14.3D10 (as in claim 42) is a human myeloid leukemic cell line.

The Examiner further rejects claim 42 as vague and indefinite for its dependency on claim 41. While this is not a proper ground of rejection under 35 U.S.C. 101, it is nevertheless moot in view of the amendment to claim 41.

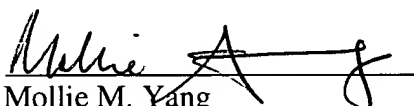
Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. 101 in view of the above amendments to claims 36 and 41.

Rejection under 35 U.S.C. 112, first paragraph

Claim 42 is rejected as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is mostly nearly connected, to make and/or use the invention. The Examiner has requested assurance of public availability of the CC CKR3 transfected AML14.3D10 cell line. Enclosed herewith is the receipt from ATCC acknowledging the deposit of AML14.3D10/CCCKR3 in accordance with the terms of the Budapest Treaty. Also enclosed is a declaration by the attorney of record in Application No. 08/847,296 (now US Patent 6,271,347) assuring availability of the deposit in accordance with 37 CFR 1.808. Applicants believe that the enclosed papers overcome this ground of rejection, and respectfully request its withdrawal.

In view of the above amendment and remarks, Applicants respectfully submit that the application is now in condition for allowance. An early favorable action is earnestly solicited.

Respectfully submitted,

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